

DEC 04 2019

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

JULIA C. DUDLEY, CLERK  
By: *[Signature]*  
DEPUTY CLERK

S.USA LIFE INSURANCE  
COMPANY, INC.

Plaintiff,

v.

CHARLES JAMES FOSTER,

Defendant.

Case No. 7:18-cv-590

By: Michael F. Urbanski  
Chief United States District Judge

**ORDER**

This matter was referred to the Honorable Robert S. Ballou, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b)(1)(B), for proposed findings of fact and a recommended disposition. The magistrate judge filed a report and recommendation on October 15, 2019, recommending: (i) defendant Charles James Foster's ("Foster") counterclaim, ECF No. 32, be stricken from the docket as filed without leave of the court; (ii) plaintiff S.USA Life Insurance Company, Inc.'s ("S.USA Life") motion to dismiss Foster's counterclaim, ECF No. 27, be granted and Foster's amended counterclaim, ECF No. 26, be dismissed with prejudice; and (iii) Foster's motion to dismiss the complaint, ECF No. 31, be denied. No objections to the report and recommendation have been filed, and the court is of the opinion that the report and recommendation should be adopted in its entirety. It is accordingly **ORDERED** and **ADJUDGED** that:

1. The magistrate judge's report and recommendation, ECF No. 43, is **ADOPTED** in its entirety.

2. Foster's counterclaim, ECF No. 32, is **STRICKEN** from the docket as filed without leave of the court.
3. S.USA Life's motion to dismiss Foster's counterclaim, ECF No. 27, is **GRANTED** and Foster's amended counterclaim, ECF No. 26, is **DISMISSED** with prejudice.
4. Foster's motion to dismiss S.USA Life's complaint, ECF No. 31, is **DENIED**.

It is **SO ORDERED**.

The clerk is directed to send a copy of this order to the pro se defendant and to all counsel of record.

Entered:

12/04/19

*/s/ Michael F. Urbanski*

Michael F. Urbanski

Chief United States District Judge